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CHRISTOPHER T. BAVITZ  
MANAGING DIRECTOR,  
CYBERLAW CLINIC  
CLINICAL PROFESSOR OF LAW,  
HARVARD LAW SCHOOL

DIRECT DIAL: 617-496-5155  
EMAIL: CBAVITZ@LAW.HARVARD.EDU

December 12, 2024

Office of the Secretary  
Consumer Product Safety Commission  
Room 820, 4330 East West Highway  
Bethesda, MD 20814

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

We submit this request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to the U.S. Consumer Product Safety Commission (“CPSC”), on behalf of Public.Resource.org (“Public Resource”).

**Requested Records**

For each CPSC baby product and toy regulation that mandates use of standards developed by ASTM International (“ASTM”), Public Resource requests the following:

1. copies of the relevant ASTM standard or standards; and
2. the full text of any agreements between the CPSC and ASTM (including, but not limited to, agreements, contracts, memoranda of understanding, NDAs, etc.) pertaining to the development or incorporation of the relevant ASTM standard or standards.

See Appendix A for a complete list of regulations for which standards and agreements are requested. Public Resource requests copies of the records (i.e., not links): (1) in the native format provided by ASTM; and, where that is not possible, in (2) searchable PDF format.

**Request for a Public Interest Fee Waiver**

Public Resource requests a waiver of search, review, and duplication fees, as the disclosure of the requested records meets the statutory fee waiver requirements set out in the “Procedures for Disclosure of Records Under the Freedom of Information Act” section within the Code of

Federal Regulations.<sup>1</sup> The CFR sets four requirements for waiver or reduction of fees, which facilitate the determination of “whether disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”<sup>2</sup>

First, the request concerns “identifiable operations or activities of the federal government.”<sup>3</sup> The requested standards are promulgated by an independent agency of the U.S. government and are incorporated by reference into the Code of Federal Regulations. As such, the requested records are part of the agency’s governing law.

Second, disclosure of the requested records will be “meaningfully informative about government operations or activities” so as to “likely contribute to an increased public understanding of those operations or activities.”<sup>4</sup> Access to the standards will allow companies, non-profits, and citizens to utilize and organize this information to enhance compliance, better understand the provisions of law, improve public safety, increase economic efficiency and opportunity, and highlight opportunities for effective reform. Access to the agreements will contribute to the public’s understanding of the government’s relationship with industry and how government resources, including tax revenues, are utilized.

Third, the requested records will “contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester,” and significantly enhance “the public’s understanding of the subject in question.”<sup>5</sup> Public Resource is one of the largest distribution sites for public information related to the U.S. government, including over 14,000 hours of video from Congressional hearings posted at the request of the Speaker of the House, over 8 million Form 990 reports filed with the Internal Revenue Service, over 6,000 U.S. government videos posted in cooperation with the Archivist of the United States, and the historical opinions of the U.S. Court of Appeals.<sup>6</sup> As the President of Public Resource, Carl is an advocate for and frequent public speaker on the subject of public access to government information.

Public Resource regularly publishes information about government regulations and processes on its website, including information that it obtains as the result of FOIA requests. Consistent with this practice, Public Resource also intends to disseminate any information obtained through this request to the public, contributing to the public’s enhanced understanding of the government’s efforts to improve the safety of consumer products through uniform safety standards.

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<sup>1</sup> See 6 C.F.R. § 5.11(k)(2)(i).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> § 5.11(k)(2)(ii).

<sup>5</sup> § 5.11(k)(2)(iii).

<sup>6</sup> Public.Resource.org, <https://public.resource.org/index.html> (last visited, Oct. 29, 2024).

Finally, Public Resource does not have a commercial interest in the disclosure of the requested records. Public Resource is a 501(c)(3) public charity chartered to make government information more broadly available without fee to any and all users.

Accordingly, we request that you waive all fees for locating and duplicating the requested records. If, however, a waiver is not granted, and if the amount of fees to be assessed in connection with this request exceeds \$200, please obtain my approval before any such costs are incurred.

### **Request for Records in Electronic Format**

Public Resource requests that responsive electronic records be provided electronically in their native file format — links will not suffice. Where that is not possible, Public Resource requests that the records be provided electronically in text-searchable PDF, in the best image quality in the CPSC's possession.<sup>6</sup> Public Resource further requests that you provide an estimated date on which you will finish processing this request.

If this FOIA request is denied in whole or in part, please provide the reasons for the denial, pursuant to 5 U.S.C. § 552(a)(6)(A)(i). In addition, please release all segregable portions of otherwise exempt material in accordance with 5 U.S.C. § 552(b).

Thank you for your consideration of this request. If you have any questions or concerns, please do not hesitate to contact me at [cbavitz@law.harvard.edu](mailto:cbavitz@law.harvard.edu).

Very truly yours,

A handwritten signature in black ink, appearing to read "C.T. Bavitz", with a long horizontal flourish extending to the right.

Christopher T. Bavitz

## Appendix

### CPSC & ASTM Toy and Baby Safety Regulations

<b>Federal Regulation</b>	<b>Title</b>	<b>ASTM Provision</b>	<b>CPSC Site URL</b>
83 FR 29861, June 26, 2018	PART 1235— <a href="#">SAFETY STANDARD FOR BABY CHANGING PRODUCTS</a>	F2388-21, Standard Consumer Safety Specification for Baby Changing Products for Domestic Use, approved November 15, 2021	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1235">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1235</a>
75 FR 31698, June 4, 2010	PART 1215— <a href="#">SAFETY STANDARD FOR INFANT BATH SEATS</a>	ASTM F1967-19, Standard Consumer Safety Specification for Infant Bath Seats, approved May 1, 2019	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1215">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1215</a>
75 FR 35273, June 21, 2010	PART 1216— <a href="#">SAFETY STANDARD FOR INFANT WALKERS</a>	ASTM F977-22e1, Standard Consumer Safety Specification for Infant Walkers, approved June 15, 2022	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1216">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1216</a>
76 FR 22028, Apr. 20, 2011	PART 1217— <a href="#">SAFETY STANDARD FOR TODDLER BEDS</a>	ASTM F1821-19e1, Standard Consumer Safety Specification for Toddler Beds, approved June 1, 2019v	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1217">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1217</a>
78 FR 63034, Oct. 23, 2013	PART 1218— <a href="#">SAFETY STANDARD FOR BASSINETS AND CRADLES</a>	ASTM F2194-13, Standard Consumer Safety Specification for Bassinets and Cradles, approved April 1, 2013	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1218">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1218</a>
75 FR 81786, Dec. 28, 2010	PART 1219— <a href="#">SAFETY STANDARD FOR FULL-SIZE BABY CRIBS</a>	ASTM F1169-19, Standard Consumer Safety Specification for Full-Size Baby Cribs approved March 15, 2019	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1219">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1219</a>
75 FR 81787, Dec. 28, 2010	PART 1220— <a href="#">SAFETY STANDARD FOR NON-FULL-SIZE BABY CRIBS</a>	Except as provided in paragraph (b) of this section, each non-full-size baby crib shall comply with all applicable provisions of ASTM F406-22, Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards, approved October 1, 2022	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1220">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1220</a>
77 FR 52228, Aug. 29, 2012	PART 1221— <a href="#">SAFETY STANDARD FOR PLAY YARDS</a>	ASTM F406-19, Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards, approved March 15, 2019	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1221">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1221</a>

89 FR 46801, May 30, 2024	PART 1223— <a href="#">SAFETY STANDARD FOR INFANT SWINGS</a>	ASTM F2088-22, Standard Consumer Safety Specification for Infant and Cradle Swings, approved May 1, 2022	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1223">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1223</a>
78 FR 73424, Dec. 6, 2013	PART 1225— <a href="#">SAFETY STANDARD FOR HAND-HELD INFANT CARRIERS</a>	ASTM F2050-19, Standard Consumer Safety Specification for Hand-Held Infant Carriers, approved December 15, 2019	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1225">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1225</a>
82 FR 8687, Jan. 30, 2017	PART 1228— <a href="#">SAFETY STANDARD FOR SLING CARRIERS</a>	ASTM F2907-22, Standard Consumer Safety Specification for Sling Carriers, approved April 1, 2022	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1228">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1228</a>
86 FR 26658, May 17, 2021	PART 1231— <a href="#">SAFETY STANDARD FOR HIGH CHAIRS</a>	ASTM F404-21, Standard Consumer Safety Specification for High Chairs, approved November 15, 2021	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1231">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1231</a>
86 FR 26658, May 17, 2021	PART 1232— <a href="#">SAFETY STANDARD FOR CHILDREN'S FOLDING CHAIRS AND CHILDREN'S FOLDING STOOLS</a>	ASTM F2613-21, Standard Consumer Safety Specification for Children's Chairs and Stools, approved February 1, 2021	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1232">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1232</a>
81 FR 17065, Mar. 28, 2016	PART 1233— <a href="#">SAFETY STANDARD FOR PORTABLE HOOK-ON CHAIRS</a>	ASTM F1235-18, Standard Consumer Safety Specification for Portable Hook-On Chairs, approved May 1, 2018	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1233">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1233</a>
2 FR 15627, Mar. 30, 2017	PART 1234— <a href="#">SAFETY STANDARD FOR INFANT BATH TUBS</a>	ASTM F2670-22, Standard Consumer Safety Specification for Infant Bath Tubs, approved March 1, 2022	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1234">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1234</a>
86 FR 33071, June 23, 2021	PART 1236— <a href="#">SAFETY STANDARD FOR INFANT SLEEP PRODUCTS</a>	Comply with ASTM F3118-17a with the certain conditions and exclusions, approved September 1, 2017	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1236">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1236</a>
83 FR 30849, July 2, 2018	PART 1237— <a href="#">SAFETY STANDARD FOR BOOSTER SEATS</a>	ASTM F2640-18, Standard Consumer Safety Specification for Booster Seats, approved April 1, 2018	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1237">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1237</a>

84 FR 28211, June 18, 2019	PART 1238— <a href="#">SAFETY STANDARD FOR STATIONARY ACTIVITY CENTERS</a>	ASTM F2012-181 Standard Consumer Safety Performance Specification for Stationary Activity Centers, approved March 1, 2018	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1238">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1238</a>
87 FR 8673, Feb. 15, 2022	PART 1241— <a href="#">SAFETY STANDARD FOR CRIB MATTRESSES</a>	ASTM F2933, Standard Consumer Safety Specification for Crib Mattresses, approved June 15, 2021	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1241">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1241</a>
82 FR 8993, Feb. 2, 2017	PART 1250— <a href="#">SAFETY STANDARD MANDATING ASTM F963 FOR TOYS</a>	ASTM F963-23 Standard Consumer Safety Specification for Toy Safety, approved August 1, 2023	<a href="https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1250">https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B/part-1250</a>